

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

NO. 7:22-CV-50-FL

KEITH BRUCE and DEVON BRUCE,	)	
	)	
Appellants,	)	
	)	
v.	)	ORDER
	)	
JOSEPH A. BLEDSOE, III,	)	
	)	
Appellee.	)	

This matter is before the court on pro se appellant Keith Bruce's motion for trial and hearing (DE 13), and on the court's own initiative to address appellants' failure to comply with the court's July 21, 2022, order.

The court directed appellants to file, on or before September 21, 2022, each of the following:

1. A notice of self-representation for each appellant appearing pro se, pursuant to Local Civil Rule 5.2(b).
2. A financial disclosure statement for each appellant, pursuant to Federal Rule of Civil Procedure 7.1 and Local Civil Rule 7.3.
3. A designation of items to be included in the record on appeal, pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure.
4. A statement of issues to be presented on appeal, pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure.

(Order (DE 10) at 1).

Appellants have not filed either a designation of items to be included in the record on appeal, nor a statement of issues to be presented on appeal.<sup>1</sup> These items are required by Rule 8009 of the Federal Rules of Bankruptcy Procedure, which provides:

**(a) Designating the record on appeal; statement of the issues**

**(1) Appellant**

(A) The appellant must file with the bankruptcy clerk and serve on the appellee a designation of the items to be included in the record on appeal and a statement of the issues to be presented.

(B) The appellant must file and serve the designation and statement within 14 days after:

(i) the appellant's notice of appeal as of right becomes effective under Rule 8002; or

(ii) an order granting leave to appeal is entered.

Fed. R. Bankr. P. 8009(a). Where the court's prior order incorrectly cited to Rule 8006 instead of Rule 8009,<sup>2</sup> the court provides appellants one more opportunity to file the requisite designation and statement under Rule 8009.

Appellants are DIRECTED to file, on or before **November 18, 2022**, their designation of items to be included in the record on appeal, and statement of issues to be presented on appeal, in accordance with Rule 8009 of the Rules of Bankruptcy Procedure. Where appellants have not complied with the pre-requisites for proceeding with an appeal, the motion for trial and hearing (DE 13) is DENIED.

The court warns appellants that failure to comply with this order may result in dismissal of the instant appeal. In the event appellants do not make any filing in the time frame designated


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<sup>1</sup> Appellant Keith Bruce filed a notice of self representation and financial disclosure form on September 21, 2021. Appellant Devon Bruce has not made any filings required by the court's July 21, 2022, order.

<sup>2</sup> The bankruptcy court's appeal memorandum following filing of the notice of appeal also incorrectly cites to Rule 8006, instead of Rule 8009. (See Case No. 21-00044-5-DMW, Doc. 46).

herein, the clerk shall, without further order of this court, dismiss this appeal for failure to prosecute and failure to follow the court's order.

SO ORDERED, this the 27th day of October, 2022.

  
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LOUISE W. FLANAGAN  
United States District Judge